

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Tsuyoshi Maekawa et al.)	Group Art Unit: 1624
)	
Application No.: 10/517,214)	Examiner: Cecilia M. Jaisle
)	
Filed: March 1, 2005)	
)	Confirmation No.: 7396
For: 1,2-AZOLE DERIVATIVES WITH)	
HYPOGLYCEMIC AND)	
HYPOLIPIDEMIC ACTIVITY)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated August 17, 2007, the Examiner required
restriction under 35 U.S.C. § 121 between

- Group I - Claims 1-31, drawn to substituted Pyrazole compounds of Formula 1, classified in class 548, subclasses 373.1 and 375.1, *inter alia*, pharmaceutical compositions thereof and therapeutic methods using compounds of Group I, classified in class 514, subclasses 403 and 404, *inter alia*.
- Group II - Claims 1-31, drawn to substituted Isoxazole compounds of Formula I, classified in class 548, subclasses 240, 243, 245, *inter alia*, pharmaceutical compositions thereof and therapeutic methods using Group II compounds, classified in class 514, subclasses 378, *inter alia*.
- Group III - Claims 1-31, drawn to all other substituted 1,2-Azole compounds of Formula 1, classified variously in class 544, and pharmaceutical compositions thereof and therapeutic methods using compounds of Group III, classified variously in class 514.

Group IV - Claim 32, drawn to a method of producing a compound of the formula II-1, classified variously in class 544.

Group V - Claim 33, drawn to a formula IX compound, classified variously in class 544.

Applicants provisionally elect with traverse, Group I, claims 1-31, which is drawn to substituted Pyrazole compounds of Formula 1. Applicants traverse on the ground that the Office has not made a persuasive showing that there would be an undue burden in examining the subject matter of all claims in a single application. The mere fact of separate classification no longer represents an adequate basis to conclude that an undue burden exists given the electronic search tools available to examiners.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 13, 2007

By: Charles E. Van Horn
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